

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

—————
Certiorari to Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge
—————

TIMOTHY HARRISON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001858
—————

APPENDIX
—————

JOANNA K. DELANY
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MARK R. FARTHING
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street
Columbia, SC 29201
(803) 734-3727

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

GUILTY PLEA TRANSCRIPT DATED MAY 16, 2018 1

APPLICATION FOR POST-CONVICTION RELIEF 34

RETURN, PARTIAL MOTION TO DISMISS, AND MOTION FOR A MORE DEFINITE
STATEMENT 41

POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED JULY 16, 2019 50

ORDER OF DISMISSAL 72

INDICTMENTS AND SENTENCE SHEETS 85

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA	)	IN THE COURT OF
	)	GENERAL SESSIONS
COUNTY OF SPARTANBURG	)	OF THE SEVENTH
	)	JUDICIAL CIRCUIT
)	
)	
STATE OF SOUTH CAROLINA,)	
)	
Plaintiff,	)	TRANSCRIPT OF RECORD
	)	2017-GS-42-5497
vs.	)	2017-GS-42-5498
	)	2017-GS-42-5499
TIMOTHY HARRISON,	)	2017-GS-42-5500
)	
Defendant.)	
)	

May 16, 2018
Spartanburg, South Carolina

B E F O R E :

HONORABLE J. MARK HAYES, II, Judge.

A P P E A R A N C E S

JENNIFER A. JORDAN, ASSISTANT SOLICITOR
For The State

CHAD SNYDER, ESQUIRE
For The Defendant

Julie A. Cendroski,
Circuit Court Reporter
Seventh Judicial Circuit

	I N D E X	
	<u>WITNESS</u>	<u>PAGE</u>
1		
2		
3		
4	GROUP QUALIFICATION By The Court	4
5	ANNOUNCEMENT OF CASE By Ms. Jordan	14
6		
7	PLEA QUALIFICATION By The Court	15
8		
9	STATEMENT OF FACTS By Ms. Jordan	17
10	FURTHER QUALIFICATION By The Court	19
11		
12	PRIOR RECORD By Ms. Jordan	22
13	STATEMENT OF TROOPER ZACHARY DOLMAN	23
14	STATEMENT OF MS. JORDAN	24
15	STATEMENT OF DEFENSE By Mr. Snyder	26
16		
17	STATEMENT OF BENJAMIN DISMUTE	28
18	FURTHER STATEMENT BY MR. SNYDER	29
19	ORDER OF THE COURT	31
20	CERTIFICATE OF COURT REPORTER	33
21		
22		
23		
24		
25		

		<u>MARKED</u>	<u>ENTERED</u>
1	EXHIBITS		
2			
3			
4	STATE'S EXHIBIT NO. 1, Copy of Criminal History	13	17
5			
6	STATE'S EXHIBIT NO. 2, Certified Copy of Driving Record with Attachments	13	17
7			
8	STATE'S EXHIBIT NO. 3, Dash Cam Video	13	17
9			
10	COURT'S EXHIBIT NO. 1, Letter from Grandmother	29	29
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE STATE VERSUS TIMOTHY HARRISON

THE COURT: All right. When I call your name, if you would just raise your hand and let me eyeball where you are. And if by chance you're in the gallery and I call your name, if you would just come forward.

Is there a second DOC person coming in?

THE DEPUTY: He's talking to his attorney.

THE COURT: Okay.

THE DEPUTY: It's Mr. Javon Downes.

THE COURT: All right. Preston Browning?

DEFENDANT BROWNING: Yes, sir.

THE COURT: Warren Dinera (sic)? (No response.)

Mr. Snyder?

MR. SNYDER: I'm sorry, Judge?

THE COURT: Juan Dinera.

MR. SNYDER: He was arrested May 10th and is in the middle of deportation proceedings.

THE COURT: So he's not going forward today?

MR. SNYDER: No, sir.

THE COURT: Glenn Cooley? Glenn Douglas Cooley?

DEFENDANT COOLEY: Right here.

THE COURT: Just come right up here, sir.

(Whereupon, Defendant Cooley comes forward.)

Neal Donovan?

DEFENDANT DONOVAN: Yes, sir.

1 THE COURT: Javon Downes.

2 MR. SNYDER: He's from the Department of
3 Corrections. He's actually in the jail room talking to
4 Mr. Boggs right now.

5 THE COURT: All right. John Greenway?

6 DEFENDANT GREENWAY: Right here, sir.

7 THE COURT: Arlen Hamrick?

8 DEFENDANT HAMRICK: Here, sir.

9 THE COURT: Timothy Harrison?

10 DEFENDANT HARRISON: Right here.

11 THE COURT: Charles Jackson?

12 DEFENDANT JACKSON: Yes, sir.

13 THE COURT: Marcus Kirk?

14 DEFENDANT KIRK: (Raises hand.)

15 THE COURT: Come on up, sir.

16 (Whereupon, Defendant Kirk came forward.)

17 Robbie Praytor?

18 DEFENDANT PRAYTOR: Yes, sir.

19 THE COURT: Edward Robinson?

20 DEFENDANT ROBINSON: Yes, sir.

21 THE COURT: Shanita Smiter?

22 DEFENDANT SMITER: Yes, sir.

23 THE COURT: Caleb Teague?

24 DEFENDANT TEAGUE: Right here.

25 THE COURT: Brandon Tyler? Brandon Lee Tyler?

1 MS. WHITE: Your Honor, I've been unable to get
2 in contact with him, so I imagine this will be a bench
3 warrant.

4 THE COURT: All right. We'll need to get a bench
5 warrant.

6 MS. BROWN: Thank you, Your Honor.

7 THE COURT: What about Joshua Wicks?

8 DEFENDANT WICKS: Yes, sir.

9 THE COURT: Do you know how much longer Mr. Boggs
10 is gonna ---

11 MR. SNYDER: I'll check, Judge.

12 THE COURT: All right. Is there anyone sitting
13 over there in the jury box whose name I did not call?

14 DEFENDANT STATZER: (Raises hand.)

15 THE COURT: Yes, sir, what's your name?

16 DEFENDANT STATZER: Statzer, David.

17 THE COURT: David Stacher (sic)?

18 DEFENDANT STATZER: Yes, sir.

19 THE COURT: They have your name crossed off.

20 MR. CHEEK: Your Honor, that would be for
21 tomorrow if we can.

22 (Whereupon, Defendant Downes and Mr. Boggs
23 entered the courtroom.)

24 THE COURT: Okay. All right. Your Javon Downes?

25 DEFENDANT DOWNES: Yes, sir.

1 THE COURT: All right, sir. Just have a seat
2 over there in the jury box. Thank you very much.

3 MR. BOGGS: Thank you, Your Honor.

4 THE COURT: Uh-huh.

5 All right. I need for -- do you want me to go
6 ahead and qualify David Statzer?

7 MR. CHEEK: Yes, sir, Your Honor.

8 THE COURT: All right. I need for all of you all
9 to please listen to me for a few moments. I've been
10 told that each one of you have one or more matters that
11 are presently pending in the court of general sessions.
12 I've also been told that each one of you has expressed a
13 desire or intent to want to enter a plea to those
14 matters.

15 I need to let you know that as part of every plea
16 that is presented in front of me we make a recording.
17 This lady who's sitting right here to my right, she's a
18 court reporter. She's taking down everything that's
19 said. I tell you that because if ever during this
20 process, now or later today, if you need to speak to me
21 I need you to speak up loud enough so both she and I can
22 hear you because if we can't hear you I cannot accept
23 your plea. But likewise, if ever during this process if
24 you cannot hear me, immediately let me know and I'll
25 speak up as well.

1 Now, in just a few moments I'm gonna ask you a
2 series of questions. I'm gonna ask you these questions
3 as a group, but I do not wish for you to think nor
4 conclude that simply because I'm asking you these
5 questions as a group that for some reason these
6 questions are not important because these questions are
7 very important.

8 The questions that I ask you and the answers you
9 give me to these questions help me decide whether or not
10 I can, in fact, accept your plea, so please listen to
11 them. Now, if you need to respond to the questions, I'm
12 gonna ask you, if you would, to please stand and remain
13 standing. And I'm gonna ask that you stand and let me
14 call on you one at a time. Just don't everybody speak
15 out at once, but let me call on you one at a time.

16 Now, if ever during this process if any of you
17 feel the need to want to speak to your lawyer, you just
18 let me know and I'll allow you to talk to your lawyer in
19 private.

20 This time when I call your name, I'm gonna ask,
21 if you would, to please stand and remain standing.
22 After everybody's name's been called and the court
23 reporter has your names written down, the lady on this
24 side of the courtroom, the clerk of court, she's gonna
25 swear you in, so please respond out loud when she asks

1 you to do so.

2 All right. We have Joshua Wicks, Caleb Teague,
3 Shantia Smiter, Edward Robinson, Robbie Praytor, Marcus
4 Kirk, Charles Jackson, Timothy Harrison, Arlen Hamrick,
5 John Greenway, Javon Downes, Glenn Cooley, Preston
6 Browning.

7 (Whereupon, all defendants stood.)

8 All right. Step over here just a little bit.

9 Yeah. All right, I missed Mr. David Statzer.

10 (Whereupon, Mr. Statzer stood.)

11 All right. And, ma'am, what's your name?

12 DEFENDANT STATURE: Christina Stature.

13 MR. CHEEK: Her attorney is not present. She's
14 not going forward with her hearing.

15 THE COURT: All right. You're not -- ma'am, you
16 just sit right there while we go through this process.

17 DEFENDANT STATURE: Yes, Your Honor.

18 THE COURT: All right. And then Mr. Neal Donan?

19 DEFENDANT DONOVAN: Donovan, yes, sir.

20 THE COURT: Donovan. If you would, just whenever
21 I ask people to stand if you need to respond if you
22 would just raise your hand, if you feel like you need to
23 respond in the affirmative, okay?

24 DEFENDANT DONOVAN: Yes, Your Honor.

25 THE COURT: Now, if you would, everyone please

1 raise your right hand and let the clerk of court swear
2 you in. (All comply.)

3 THE CLERK: Do you solemnly swear that the
4 testimony you're about to give will be the truth, the
5 whole truth and nothing but the truth so help you God?

6 (All in respond in the affirmative.)

7 THE CLERK: Thank you, you may be seated.

8 THE COURT: Thank you, you may be seated. Here
9 are the questions that I need for you to please listen
10 to. During the last 24 hours have you consumed any type
11 of substance that is adversely or negatively affecting
12 your ability to understand what we're doing today? If
13 you have taken something I need for you to please stand
14 at this time.

15 (Whereupon, no person stood.)

16 In the past, if you ever received any type of
17 substance abuse treatment that's for a drug or alcohol
18 problem, I need for you to please stand at this time.
19 If you ever received any substance abuse treatment,
20 please stand.

21 Yes, sir, tell me your name again.

22 DEFENDANT COOLEY: Glenn Cooley.

23 THE COURT: Mr. Cooley, did you receive treatment
24 for drugs, alcohol or both?

25 DEFENDANT COOLEY: Both.

1 THE COURT: Where did you receive that last
2 treatment?

3 DEFENDANT COOLEY: Morris Village.

4 THE COURT: And how long ago was that
5 approximately?

6 DEFENDANT COOLEY: About three years ago.

7 THE COURT: And was it successful at the time?

8 DEFENDANT COOLEY: Yes, sir.

9 THE COURT: Thank you, sir, you may be seated.
10 If you are satisfied with the work that your
11 lawyer has done for you, then I need for you to please
12 stand at this time. If you're satisfied with the work
13 that your lawyer has done, please stand. Let the record
14 reflect that everyone indicates that they are satisfied.
15 Thank you very much, you may be seated.

16 If anybody has come to you and threatened you in
17 any way or if they have made you any promises in order
18 to get you to make the decision to enter the plea, then
19 I need for you to please stand. If you have been
20 threatened in any way or promised anything, please
21 stand.

22 (Whereupon, no person stood.)

23 If the decision by you to enter the plea is a
24 free and voluntary decision on your part, then I need
25 for you to please stand at this time. If this is a free

1 and voluntary decision, please stand. Let the record
2 everyone -- let the record reflect that everyone
3 indicates in the affirmative. Thank you very much, you
4 may be seated.

5 I need for each of you to understand that under
6 the law you are presumed innocent of each and every
7 charge that's presently against you and you are entitled
8 to have a jury trial on each and every one of those
9 charges. Now, at any jury trial that would take place,
10 it would be the State that has the burden of proof and
11 the State would have to convince all 12 members of a
12 jury that you are, in fact, guilty beyond a reasonable
13 doubt of each and every one of those charges.

14 Now, in order to enter a plea, however, you have
15 to give up your right to that jury trial. But if you
16 wish to have a jury trial on any of the charges that are
17 presently against you, that is perfectly fine. We will
18 simply schedule a jury trial for you. If there is
19 anyone who wishes to have a jury trial on any of the
20 charges that are presently against them? If you do wish
21 to have a jury trial, please stand at this time.

22 (Whereupon, no person stood.)

23 In addition to giving up your right to that jury
24 trial, there are other very important constitutional
25 rights that you are entitled to but that you have to

1 give up in order to enter a plea. You have to give up
2 your right to confront and cross-examine the State's
3 witnesses. You also have to give up your right to
4 present evidence which you or your lawyer might fail to
5 establish a defense. And you have to give up your right
6 of subpoena as well as your right to remain silent.

7 Now, if you understand all those rights and you
8 wish to give up those rights and go forward with
9 entering the plea, then I need for you to please stand
10 at this time. Let the record reflect that everyone
11 indicates in the affirmative. Thank you very much, you
12 may be seated.

13 Again, if ever during this process if any of you
14 wish to speak to your lawyer, just let me know and I'll
15 allow you to talk to your lawyer in private. And the
16 three of you who joined us from the gallery, you can
17 return back to the gallery.

18 (Whereupon, this ends group qualification.)

19 (Whereupon, State's Exhibit No. 1, Copy of
20 Criminal History, was marked for identification.)

21 (Whereupon, State's Exhibit No. 2, Certified Copy
22 of Driving Record With Attachments, was marked for
23 identification.)

24 (Whereupon, State's Exhibit No. 3, Dash Cam
25 Video, was marked for identification.)

1 MS. JORDAN: Your Honor, before the Court is
2 Timothy Harrison. He's before the Court with his
3 attorney, Chad Snyder, to enter a plea of guilty to four
4 charges. 2017-GS-42-5498, assault and battery of a high
5 and aggravated nature. 2017-GS-42-5500, failure to
6 stop, great bodily injury results. 2017-GS-42-5497,
7 habitual traffic offender causing great bodily injury.
8 And malicious injury to personal property more than
9 2,000 but less than 10, third or subsequent, under
10 17-GS-42-5499.

11 He is present with his attorney, Mr. Snyder, to
12 enter the plea today. There is a recommendation of
13 concurrent sentencing. We also have a restitution order
14 in the amount of \$2,192 to the South Carolina Department
15 of Public Safety.

16 Your Honor, there is also potentially additional
17 restitution that may total \$60,000 in medical records
18 that we would ask to leave that open for a period of 90
19 days so that we can continue to attempt contact with one
20 of our victims in the case.

21 THE COURT: I cannot take the plea with that kind
22 of money left open because according to the restitution
23 statute I have to take into account the ability to pay
24 or lack of ability to pay in deciding the sentence.

25 MS. JORDAN: Okay. May I have one moment?

1 THE COURT: Uh-huh.

2 MS. JORDAN: Your Honor, we'll go forward today.
3 The last time our victim advocate spoke with the victim,
4 they had spoken to a civil attorney about handling the
5 medical aspect of the case with the civil attorney. We
6 attempted to notify that victim but have been
7 unsuccessful for a period of about three weeks.

8 THE COURT: I mean, I could take the plea and not
9 do sentencing.

10 MS. JORDAN: Your Honor, I'm fine with going
11 forward today.

12 THE COURT: Okay.

13 You are Mr. Harrison?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Sir, it is your intent to enter a
16 plea to the charges that were just announced?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: How old are you?

19 THE DEFENDANT: 24, Your Honor.

20 THE COURT: How far did you go in school?

21 THE DEFENDANT: I went through sixth grade.

22 THE COURT: Did you ever obtain a GED?

23 THE DEFENDANT: No, sir. I'm in the process of
24 working on it.

25 THE COURT: Married? Single? Divorced?

1 Widowed?

2 THE DEFENDANT: Single.

3 THE COURT: Do you have children?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: And prior to your arrest did you have
6 a job outside of the home?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And what were you doing?

9 THE DEFENDANT: I was originally working at
10 college -- filling station at the mall and also at
11 Hardee's on Garner Road.

12 THE COURT: Ever serve in the military?

13 THE DEFENDANT: No, sir.

14 THE COURT: And on this charge how long a time
15 have you been in jail?

16 MR. SNYDER: 298 days.

17 THE COURT: 298?

18 MR. SNYDER: Yes, sir.

19 THE COURT: Please listen to the Solicitor.
20 She's going to give us the facts.

21 MS. JORDAN: Thank you, Your Honor. At this time
22 I would ask to move State's Exhibits 1, 2 and 3 into
23 evidence. One is a copy of his rap sheet. Two is a
24 certified copy of his driving record with attachments
25 sent to the -- sent from the Department of Motor

1 Vehicles. And three is a video from Trooper Dolman's
2 dash cam that I previously provided to the Court with
3 Mr. Snyder's knowledge and asked the Court to review the
4 first minute and a half of that video.

5 THE COURT: Without objection, Mr. Snyder?

6 MR. SNYDER: No, sir, no objection.

7 THE COURT: All right.

8 (Whereupon, State's Exhibit Nos. 1-3 were entered
9 into the record.)

10 MS. JORDAN: Your Honor, all of these incidents
11 arise out of the same day, July 21st, 2017. Trooper
12 Dolman, who is present here in the courtroom and would
13 like to address the Court at the appropriate time, was
14 on routine patrol in Spartanburg County on Fairfield
15 Road at Turkey Farm Road. While he was stopped at a
16 stop sign on Fairfield Road, he observed a rust colored
17 vehicle behind him.

18 The officer then turned right onto Turkey Farm
19 Road. As he was traveling up the road he observed the
20 vehicle sit at the stop sign for longer than someone
21 would normally sit at the stop sign, so he turned
22 around, just to begin to travel back that way to that
23 intersection.

24 He got behind the vehicle as the vehicle turned
25 right onto Fairfield Road. He had to increase his speed

1 in an attempt to catch up to the vehicle, and by the
2 time he caught up to the vehicle they were almost to
3 Henderson Road. The trooper was able to confirm the
4 speed of the vehicle on his radar at 69 miles per hour
5 in a posted 45. At that point he activated his blue
6 lights and sirens.

7 The vehicle decelerated suddenly and let us know
8 it was going to make a left turn onto Henderson Road,
9 but the vehicle stayed on Fairfield Road. And at that
10 time the deputy -- the trooper notified dispatch that he
11 was attempting to stop the vehicle. The vehicle then
12 accelerated quickly and began to drive recklessly. At
13 one point, as the Court could have seen on the video,
14 he's driving in the median of the road.

15 They continued north on Fairfield Road passing
16 Chesnee Elementary School. The vehicle then stopped
17 abruptly in the roadway and the trooper stopped behind
18 it. The trooper did not make contact when he stopped
19 behind it. However, at that point the driver put the
20 vehicle into reverse and rammed the trooper's patrol car
21 in an attempt to disable -- in an attempt to what the
22 trooper thought was to disable his vehicle.

23 The driver then put the vehicle into drive and
24 began to travel north on Fairfield Road again. Trooper
25 Dolman followed the vehicle, attempted a pit maneuver

1 which is where they hit the vehicle in an attempt to
2 make it stop.

3 When he hits the vehicle, the vehicle goes off
4 the left side of the road and comes to rest on top of a
5 mailbox post. The Court could see all of that in the
6 about minute and 30 seconds of the video that's now
7 marked as State's Exhibit Number 1.

8 Your Honor, inside of the vehicle were three
9 other individuals, along with this defendant who was
10 driving the vehicle. Jessica Wyatt was in the vehicle
11 and she suffered a closed right fracture of the distal
12 end of her right -- or a closed fracture of the distal
13 end of her right femur. She also had some abrasions
14 around her left thigh. There were two other individuals
15 in the vehicle who did not suffer any injuries during
16 this, to our knowledge did not suffer any injuries
17 during this incident.

18 The defendant has a prior failure to stop and the
19 defendant also had been previously declared a habitual
20 traffic offender for the period of June 11th, 2017
21 through 2022. The ABHAN is for hitting the vehicle and
22 the malicious injury is for the damage caused to the
23 vehicle.

24 THE COURT: Do you believe that as she stated the
25 facts the Solicitor is substantially correct?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And, sir, do you understand that on
3 these charges I can sentence you up to 20 years on the
4 assault and battery of a high and aggravated nature?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you also understand that that
7 particular offense is classified as both a violent
8 offense and a serious offense under the law?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And you've been able to talk to your
11 lawyer as to the consequences and ramifications of this
12 offense being classified as both violent and serious?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Do you also understand that I could
15 sentence you up to ten years on the failure to stop for
16 blue light charge?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Because that's a failure to stop for
19 a blue light resulting in great bodily injury. That's
20 -- you do understand that carries 10 years?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You do understand that on habitual
23 traffic offender causing great bodily injury that I
24 could sentence you up to ten years on that one as well?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: You understand that on malicious
2 injury to personal property valued 2 to \$10,000 third
3 offense I could sentence you up to ten years as well?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: You also understand that there may be
6 a violation of your present probation case?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And you still wish to enter the plea?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Are you, in fact, guilty of this
11 assault and battery of a high and aggravated nature
12 charge?

13 THE DEFENDANT: Yes.

14 THE COURT: Are you also guilty of failure to
15 stop for blue light resulting in great bodily injury?

16 THE DEFENDANT: Yes.

17 THE COURT: Are you also guilty of habitual
18 traffic offender causing great bodily injury charge?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Are you also guilty of malicious
21 injury to personal property valued at 2 to \$10,000 third
22 offense?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Have all of your answers to my
25 questions today been truthful?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Has discovery been shared with the
3 defense?

4 MS. JORDAN: Yes, Your Honor, it has.

5 THE COURT: Any prior record you want to point
6 out?

7 MS. JORDAN: Yes, Your Honor, I would like to
8 point it out. He has a 2012 shoplifting, two counts of
9 grand larceny, and a burglary third. 2013, he has a
10 careless or a negligent driving.

11 2014, he has his first two convictions for
12 failure to stop for a blue light or siren that have
13 separate offense dates, one from 2012 and one from 2014.
14 He also in 2014 has a shoplifting third or subsequent, a
15 reckless driving that's related to the failure -- one of
16 the failure to stops, and a possession of stolen vehicle
17 between 2,000 and 10,000.

18 2015, he has a receiving stolen goods with a
19 value under 2,000. Driving under suspension. 2016,
20 assault and battery first degree. 2017, he has two more
21 counts of failure to stop for a blue light or siren
22 second offense with two separate violation dates of
23 January the 29th, 2017 and February the 10th of 2017.

24 He also has a DUI first related to the January
25 failure to stop, a resisting arrest, assault and battery

1 third. Operating a vehicle which is not registered.
2 Vehicle with a missing or incorrectly displayed tag. An
3 uninsured motor vehicle fee violation and two counts of
4 driving under suspension.

5 THE COURT: Anything from any of the victims
6 besides the restitution to SCDPS?

7 MS. JORDAN: Yes, Your Honor. Trooper Dolman
8 would like to address the Court. And I would also just
9 like to address the Court at the appropriate time.

10 THE COURT: Sir, just come right up here and
11 stand beside the solicitor. If you would, just speak up
12 loud enough so that both the court reporter and I can
13 hear you. Just start by giving us your full name.

14 TROOPER DOLMAN: Yes, sir. My name is Zachary
15 Ryan Dolman. I'm the chief of the South Carolina
16 Highway Patrol.

17 THE COURT: Uh-huh.

18 TROOPER DOLMAN: Yes, sir. I just -- this is the
19 fifth time he has run from us. This is the second time
20 he has intentionally struck a patrol vehicle in an
21 attempt to either disable it or cause harm to us. I
22 feel that if he continues this path one of us is gonna
23 end up dead, either him or a law enforcement officer.

24 We already have somebody that has great bodily
25 injury. I'm sure she's gonna have complications with

1 that down the road. A femur is a big part of the body.

2 But I hope that you would let it be the maximum
3 sentence of 20 years. Hopefully he can get the help
4 needed in prison and stay off the road for at least
5 20 years to make South Carolina roads a little bit safer
6 than they already are. They aren't.

7 THE COURT: Thank you, sir.

8 MS. JORDAN: Your Honor, I just want to address
9 just a -- point out a couple of things, some that the
10 Court may already be aware of. One is that this
11 defendant stands before you at 24 years of age with an
12 extremely lengthy record for someone who is that age.
13 He was on probation for failure to stop when he picked
14 up the second set of failure to stops that he is also
15 currently on probation for as well.

16 Part of that sentence he was given the
17 opportunity to attend -- or he was given the opportunity
18 for inpatient drug, hold for bed space for inpatient
19 treatment, and also told to get a mental health
20 evaluation and comply with all of his medication. Your
21 Honor, as Trooper Dolman said, he's a danger to society
22 based upon his prior actions and currently what he's in
23 here for today.

24 I sat in the courtroom, while I didn't handle his
25 last two sets of failure to stops, I sat in the

1 courtroom and listened to the presentation and they
2 spoke about his mental health and the issues that he has
3 had and his family issues. And while I understand that
4 he does have those issues, we are still in the same
5 position that we were in in 2017 that we are in now.

6 By my calculations, between the plea and the time
7 that he did inpatient, I don't think he was out less
8 than 90 days before he's striking another officer on the
9 roadway. All he needed to do was pull over and he chose
10 not to do that. And I believe in previous hearings
11 they've talked about the fact that he has impulse
12 control issues and his record clearly shows that he does
13 have impulse control issues by the fact that we are now
14 before the Court for the fifth failure to stop that this
15 young man has had.

16 THE COURT: Is he presently on probation?

17 MS. MANIGAN: Yes, Your Honor. May I approach
18 briefly?

19 THE COURT: (Nods head up and down.)

20 (Whereupon, a bench conference was held off the
21 record.)

22 THE COURT: All right. Since there are victims
23 in the probation case that haven't been notified, we
24 want to do the probation revocation. Mr. Harrison, you
25 do understand that by entering the plea it would be a

1 violation of your present probation?

2 MR. SNYDER: Yes, sir, Your Honor.

3 THE COURT: Okay. Yes, sir, Mr. Snyder.

4 MR. SNYDER: Thank you, Judge. As I mentioned,
5 Timothy has been in jail for approximately ten months.
6 When I first met with him, we went over everything. The
7 fact that he's on probation now for similar conduct, his
8 criminal history and the present allegations, I told him
9 it was almost certain that he would be going to the
10 Department of Corrections.

11 However, over the course of my representation
12 he's changed. He's been reading a lot. He's been
13 speaking with the chaplain over at the jail a bunch.
14 The books that he's been reading are mostly Bible and
15 Christian books. His reading level -- well, he's told
16 Your Honor he's working on his GED. His reading level
17 has gone from a second grade reading level to a sixth
18 grade reading level. And he's also taking other classes
19 and courses.

20 We don't dispute anything that the solicitor
21 stated regarding what happened. He, he understands that
22 what he was doing was wrong. He was high on meth at the
23 time. He has a history of using, as well as depression.

24 He's had a rough upbringing, Judge. His mom is a
25 drug addict, is currently in prison. She's prostituted.

1 She's taken Timothy and left him at houses while she was
2 going to do drugs. He doesn't really know anything
3 better. His grandmother has written a letter that I
4 present to Your Honor. But I believe she's the only one
5 left in his life right now. He just has no one to turn
6 to.

7 But in the course of his time in incarceration,
8 he's been seeing the Chaplin as well, Ben Dismute
9 (phonetic), who is here in the courtroom on the front
10 row who would like to address Your Honor. Ben is the
11 owner of Evan's Training Center. It's located in Inman.
12 It's a Christian organization that attempts to
13 rehabilitate people and I believe he wants -- and he's
14 gonna tell Your Honor a little more about it. Actually
15 at this time, Judge, I wanted to ask that he come
16 forward to tell you about his interactions with Timothy
17 and about his program.

18 THE COURT: Who is it?

19 MR. SNYDER: His name is Ben Dismute. He's in
20 the front row.

21 THE COURT: Sir, just come up here and stand next
22 to the police officer. If you would, sir, we are making
23 a recording of everything that happens here, so when you
24 speak please speak up loud enough so that both the court
25 reporter and I can hear you. Just start by giving us

1 your full name.

2 MR. DISMUTE: My name is Benjamin Dismute.

3 THE COURT: Yes, sir.

4 MR. DISMUTE: I'm the director at Evan's Training
5 Center here in Spartanburg. We're an eight-month in
6 residence faith based highly structured level five
7 program. Your Honor, I really don't have a dog in this
8 fight. I have sat with Timothy and he is a candidate.

9 We -- it's a very intrusive ministry. It's
10 rigorous. 70 percent of the guys who come in the door
11 don't make it through the eight months, they're not able
12 to, to complete. And I've let Timothy know that and
13 he's a good candidate. We try to grow him in character.
14 He has none, so that's why he's a candidate. I think
15 he's a good fit for us. We're a good fit for him.

16 We are, however, not to take the credit -- and in
17 light of what I've heard in the courtroom this morning
18 we're not a medical program. So if he needs medication
19 of any type, we wouldn't be able to be a fit for him.

20 If he could maintain a decent attitude we would
21 commit to him for eight months. If he cannot remain in
22 a decent attitude at any time, he will be dismissed and
23 he won't have a place to stay with us. That would be,
24 that would be how that would look.

25 THE COURT: And so your program is an inpatient?

1 MR. DISMUTE: Yes, sir, it is.

2 THE COURT: Okay. So do you have dorms?

3 MR. DISMUTE: Yes, sir, we do.

4 THE COURT: Okay. Well, thank you, sir.

5 MR. DISMUTE: Yes, sir.

6 MR. SNYDER: I understand there's currently not a
7 bed available. We'd ask that he be held in the local
8 jail until a bed is available, and then if Your Honor
9 thinks that he needs to spend some time in the
10 Department of Corrections. Also, upon completion of
11 that time, if you'd allow him to attend that program I
12 think it would be good for him.

13 And at this point, Judge, I also mentioned his
14 grandmother is the only person left in his life right
15 now. She wrote a letter that I'd like to present to
16 Your Honor. (Handing.)

17 THE COURT: All right. I've reviewed the letter.
18 We'll mark that as a Court's exhibit.

19 (Whereupon, Court's Exhibit Number 1, Letter From
20 Grandmother, was marked for identification.)

21 (Whereupon, Court's Exhibit Number 1 was entered
22 into the record.)

23 MR. SNYDER: Finally, Judge, he finally has
24 people that are looking out for him. He has a bad
25 history. He does have, it sounds like, impulse control

1 issues. And I understand the concerns. We'd just ask
2 that a sentence suspended to however little time that
3 Your Honor thinks is necessary, allow him to go through
4 this program. I think it would be good for him. And
5 followed by five years probation. Your Honor, I just
6 think that he finally has someone looking out for him
7 and he's changed a lot over the course of this ten
8 months.

9 THE COURT: Mr. Harrison, do you agree with
10 statements just made by your lawyer?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Sir, is there anything else that you
13 would like to say or want me to know or consider?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Be more than happy to hear from you.

16 THE DEFENDANT: I have with me right here, I've
17 enrolled in the Bible college, Emanuel. And I've got
18 like five or six different certificates and I'm moving
19 forward with a ministry degree and doing the second
20 series and all. If you would like to see it.

21 THE COURT: It's left up to your lawyer.

22 (Whereupon, hands documents to Mr. Snyder and
23 then to the Court.)

24 THE COURT: All right. I've reviewed the --
25 anything else Mr. Harrison?

1 THE DEFENDANT: No, sir.

2 THE COURT: Thank you, sir.

3 I find that there's a substantial factual basis
4 for the plea. On the assault and battery of a high and
5 aggravated nature charge, that will be a 20-year
6 sentence at the state Department of Corrections. That
7 will be suspended upon the service of ten years,
8 followed by five years of supervision. He gets credit
9 for the 298 days. Restitution has been ordered.

10 I've indicated on the sentencing sheet once he is
11 released he needs to have a mental health evaluation
12 performed. He needs to be in full compliance with that
13 evaluation. He needs to also be evaluated for any
14 substance abuse issues that might need to be compliant.

15 Needs to have a treatment plan developed. Needs
16 to stay clean because they will be doing random drug
17 testing on him. That will run concurrent with the
18 ten-year sentences on the failure to stop for blue
19 light, malicious injury to personal property and
20 habitual traffic offender charge. Good luck to you,
21 sir.

22 MS. JORDAN: Thank you, Your Honor.

23 THE COURT: And restitution has been ordered.

24 MS. JORDAN: Thank you.

25 MR. SNYDER: Thank you, Your Honor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Whereupon, hearing concluded at 10:28 a.m.)

--- THIS ENDS REQUESTED TRANSCRIPT ---

1 COURT REPORTER CERTIFICATE

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I, the undersigned Julie A. Cendroski, Court Reporter for the Seventh Judicial Circuit Court of the State of South Carolina, do hereby certify that to the best of my ability the foregoing is a true, accurate, and complete transcript of record of all the proceedings and evidence introduced in the hearing and/or trial of the captioned case, relative to appeal, in the Court Of General Sessions Greenville County, South Carolina, on the 16th day of May, 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

s/Julie A. Cendroski
Julie A. Cendroski
Circuit Court Reporter
Seventh Judicial Circuit

FORM 5

STATE OF SOUTH CAROLINA)
)
 COUNTY OF) IN THE COURT OF COMMON PLEAS
)
 Timothy Robert Harrison #361541)
)
 Full name and prison number (if any) of Applicant.)
)
 v.) APPLICATION FOR
)
 State of South Carolina) POST-CONVICTION RELIEF
)

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention _____
2. Name and location of Court which imposed sentence _____
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2017A4210202378
 - (b) 6102 Pa 458201
 - (c) 6102 Pa 273500
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) May 16th 2018
 - (b) 10 years

CLERK OF COURT
 JAMES H. BLACKLEY
 2018 AUG 27 AM 11:04
 H. HORTON BLACKLEY

- (c) _____
- 6. Check whether a finding of guilty was made:
 - (a) after a plea of guilty
 - (b) after a plea of not guilty _____
 - (c) after a plea of nolo contendere _____
- 7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
- 8. If you answered "yes" to (7), list:
 - (a) the name of each Court to which you appealed:
 - i. _____
 - ii. _____
 - iii. _____
 - (b) the result in each such Court to which you appealed:
 - i. _____
 - ii. _____
 - iii. _____
 - (c) the date of each such result:
 - i. _____
 - ii. _____
 - iii. _____
 - (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. _____
 - ii. _____
 - iii. _____
- 9. If you answered "no" to (7), state your reasons for not so appealing:
 - (a) I didn't know that I could have appealed after a guilty plea.
 - (b) _____
 - (c) _____
- 10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

COURT OF APPEALS
 2018 AUG 27 AM 11:05
 M. HONE BRADLEY



- (a) A Double Jeopardy Calim
- (b) Ineffice Assiican ConuCl
- (c) They officer had no personal injurt, the ASDHAN WAS MY CAR HITTING HIS CAR.

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) I WAS charged with same charge twice.
- (b) All my accomplishments was not persented in court.
- (c) _____

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? _____
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (c) the disposition thereof:
 - i. _____
 - ii. _____
 - iii. _____

2018 AUG 27 AM 11:05
 M. HEPE BLACKLEY

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

CLERK OF COURT
2018 AUG 27 AM 11:05
M. HOPE BLACKLEY

Revised 3/2003

Revised 3/2003

- (a) your arraignment and plea? _____
- (b) your trial, if any? _____
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Chad Charles W. Snyder Public Defender
 - ii. 366 North Church Street Suite 3000, Spbg, SC 29303
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. General Sessions Court
 - ii. _____
 - iii. _____

19. State clearly the relief you seek in filing this application:

To Get back my life, To deduce my time & a non-violent sentence.

20. Are you now under sentence from any other court that you have not challenged?

NO

2010 AUG 27 AM 11:05
 M. HOPE BLACKLEY

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, T.H. , hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Timothy Harrison Timothy Harrison
Applicant

SWORN or affirmed to and subscribed before me this
22 day of August, 2018.

Virginia Aults
Notary Public

My Commission Expires: 12/12/22

2018 AUG 27 AM 11:05
H. HOPE BLACKLEY



STATE OF SOUTH CAROLINA)

County of)

VERIFICATION)

I, T.H. , being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Timothy Harrison
Timothy Harrison

SWORN to and subscribed before me this 22
day of August 2018.

Virginia Shubel (L.S.)
Notary Public

My Commission Expires: 12/22/22

FILED
CLERK OF COURT
JANUARY 10 2018
2018 AUG 27 AM 11:05
H. HOPE BLACKLEY

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE SEVENTH JUDICIAL CIRCUIT
 COUNTY OF SPARTANBURG)
 Timothy Robert Harrison,) Case No.: 2018-CP-42-03003
 S.C.D.C. No. 361541,)
)
 Applicant,)
 v.) **RETURN, PARTIAL MOTION TO DISMISS,**
) **AND MOTION FOR A MORE DEFINITE**
) **STATEMENT**
 State of South Carolina,) **(Counsel Appointed)**
)
 Respondent.)
)

In response to the application for post-conviction relief filed by Timothy Robert Harrison (Applicant) on August 20, 2018, Respondent would show this Court:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the October 2017 term of the Spartanburg County Grand Jury for habitual traffic offender causing great bodily injury (2017-GS-42-05497), assault and battery of a high and aggravated nature (2017-GS-42-05498), malicious injury to personal property (2017-GS-42-05499), failure to stop motor vehicle with great bodily injury (2017-GS-42-05500). Chad Snyder, Esq. represented Applicant, and Jennifer A. Jordan, Esq., of the Seventh Circuit Solicitor’s Office, prosecuted the case. On May 16, 2018, Applicant pled guilty as indicted. Upon the State’s recommendation of concurrent sentencing, the Honorable J. Mark Hayes sentenced Applicant to imprisonment for concurrent terms of 20 years for ABHAN, provided that upon the service of 10 years the balance would be suspended upon 5 years of probation, and 10 years *each* for the habitual traffic offender, malicious injury to property, and failure to stop. Applicant did not appeal.

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2018 JUN 24 PM 4:34

II. STATEMENT OF THE FACTS

The underlying facts of the crimes for which Applicant is incarcerated were articulated by the State during the plea proceeding as follows:

Your Honor, all of these incidents arise out of the same day, July 21st, 2017. Trooper Dolman, who is present here in the courtroom and would like to address the Court at the appropriate time, was on routine patrol in Spartanburg County on Fairfield Road at Turkey Farm Road. While he was stopped at a stop sign on Fairfield Road, he observed a rust colored vehicle behind him.

The officer then turned right onto Turkey Farm Road. As he was traveling up the road he observed the vehicle sit at the stop sign for longer than someone would normally sit at the stop sign, so he turned around, just to begin to travel back that way to that intersection.

He got behind the vehicle as the vehicle turned right onto Fairfield Road. He had to increase his speed in an attempt to catch up to the vehicle, and by the time he caught up to the vehicle they were almost to Henderson Road. The trooper was able to confirm the speed of the vehicle on his radar at 69 miles per hour in a posted 45. At that point he activated his blue lights and sirens.

The vehicle decelerated suddenly and let us know it was going to make a left turn onto Henderson Road, but the vehicle stayed on Fairfield Road. And at that time the deputy – the trooper notified dispatch that he was attempting to stop the vehicle. The vehicle then accelerated quickly and began to drive recklessly. At one point, as the Court could have seen on the video, he’s driving in the median of the road.

They continued north on Fairfield Road passing Chesnee Elementary School. The vehicle then stopped abruptly in the roadway and the trooper stopped behind it. The trooper did not make contact when he stopped behind it. However, at that point the driver put the vehicle into reverse and rammed the trooper’s patrol car in an attempt to disable – in an attempt to what the trooper thought was to disable vehicle.

The driver then put the vehicle into drive and began to travel north on Fairfield Road again. Trooper Dolman followed the vehicle, attempted a pit maneuver which is where they hit the vehicle in an attempt to make it stop.

When he hits the vehicle, the vehicle goes off the left side of the road and comes to a rest on top of a mailbox post. The Court could see all of that in the about

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2019 JUN 24 PM 4:34

minute and 30 seconds of the video that's now marked as State's Exhibit Number 1.

Your Honor, inside of the vehicle were three other individuals, along with this defendant who was driving the vehicle. Jessica Wyatt was in the vehicle and she suffered a closed right fracture of the distal end of her right – or a closed fracture of the distal end of her right femur. She also had some abrasions around her left thigh. There were two other individuals in the vehicle who did not suffer any injuries during this, to our knowledge did not suffer any injuries during this incident.

(Tr. 17-19). Upon inquiry by the Court, Applicant confirmed the above articulated facts. (Tr. 91-20)

III. CURRENT APPLICATION

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons:

1. "A Double Jeopardy Claim"
 - a. "I was charged with same charge twice."
2. Ineffective Assistance of Counsel, in that:
 - a. "All my accomplishments was not presented in court."
3. "They officer had no personal injury, the ABHAN was my car hitting his car."

Applicant requests relief as follows:

- "To get back my life, to reduce my time, & a non-violent sentence."

Attached to and incorporated herein are the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the current application for relief. Respondent reserves the right to amend this Return upon receipt of relevant information.

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2019 JUN 24 PM 4:34

IV. RESPONSE TO ALLEGATION OF INEFFECTIVE ASSISTANCE OF COUNSEL

Ineffective Assistance of Plea Counsel, Generally

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland. First, Applicant must prove that counsel's performance was deficient. Strickland, 466 U.S. at 686; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, Applicant

FILED
 CLERK OF COURT
 SPARTANBURG COUNTY
 2019 JUN 24 3 41 43 PM

must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

Conclusion and Action Requested

Applicant can satisfy neither requirement of the Hill test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V. RESPONSE TO REMAINING ALLEGATIONS

First, Applicant's remaining issues are not framed as claims for ineffective assistance of counsel, but rather appear to directly raise issues which could have been raised as defenses at a trial and thereafter addressed on direct appeal. Applicant waived all non-jurisdictional defenses as part of his guilty plea, including any double jeopardy claims. State v. Thomason, 341 S.C. 524, 526, 534 S.E.2d 708, 710 (Ct. App. 2000). Further, an application for post-conviction relief does not serve as a substitute for direct appeal, and an issue that could have been raised at applicant's trial or on appeal is not cognizable in an application for PCR. S.C. Code Ann. § 17-27-20(b); Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). As such, Applicant's remaining allegations should be summarily dismissed as not cognizable under the Uniform Conviction Procedure Act.

In any event, Applicant's claims are facially without merit. The Double Jeopardy Clause protects against a second prosecution for the same offense after acquittal or conviction, and protects against multiple punishments for the same offense, but where a single act violates multiple distinct statutory provisions, "the test to determine whether these are two offenses or

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2009 JUN 24 5 PM 1:34

only one is whether each provision requires proof of an additional fact which the other does not.” Stevenson v. State, 335 S.C. 193, 198, 516 S.E.2d 434, 436-37 (1999) (citing Brown v. Ohio, 432 U.S. 161 (1977); State v. Easler, 327 S.C. 121, 489 S.E.2d 617 (1997); quoting Blockburger v. United States, 284 U.S. 299, 304 (1932)). As for Applicant’s contention that Trooper Dolman was not hurt, such that he should not be convicted for ABHAN—the severity of the victim’s injury is not the only means by which an assault can be deemed “aggravated.” Circumstances of aggravation include the use of a deadly weapon, the intent to commit a felony, and resistance to lawful authority. See State v. Fennell, 340 S.C. 266, 274, 531 S.E.2d 512, 516-17 (2000) (listing various aggravating circumstances for ABHAN). Therefore, even if later re-framed as additional allegations of ineffective assistance of counsel, Applicant’s contentions are wholly without merit as a matter of law.

VI. MOTION FOR MORE DEFINITE STATEMENT

Respondent also hereby moves for a more definite statement. Applicant has failed to set forth any facts to “support each ground” or to explain with any specificity the facts upon which his claims are based. The Uniform Post-Conviction Procedure Act requires the Applicant to “*specifically set forth the grounds upon which the application is based.*” S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Namely, what accomplishments did Counsel fail to present in mitigation?

Respondent respectfully submits that it is incumbent upon Applicant, through Counsel, to amend his application to set forth specific facts upon which his allegations are based so that Respondent may adequately prepare for an evidentiary hearing. Therefore, Respondent requests that Applicant be required to amend his application to set forth specifically the grounds on which his claims are based.

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2019 JUN 21 PM 4:34

VII. APPLICANT REQUESTS RELIEF NOT AVAILABLE

In his prayer for relief, Applicant requests the Court reduce his sentence. This relief is unavailable in a post-conviction relief action. If this Court finds a defect in the original proceedings, the appropriate relief would be a new trial on the original indictments. Gilstrap v. State, 252 S.C. 625, 168 S.E.2d 88 (1969); see also Smith v. State, 413 S.C. 194, 195, 775 S.E.2d 696, 696 (2015) (“We now clarify the proper remedy is a new trial.”) Grant v. MacDougall, 244 S.C. 387, 391, 137 S.E.2d 270, 272 (1964) (relief of absolute release not available). Where an applicant seeks only relief to which he or she is not entitled, “it is not incumbent upon [the] court to pass upon what relief, if any, he [or she] might, perchance, be entitled to.” Young v. State, 250 S.C. 476, 479, 158 S.E.2d 764, 765 (1968). For these reasons, if the application is not otherwise amended before the evidentiary hearing to reflect a desire for appropriate relief, Respondent would respectfully request this Court engage in a *thorough* colloquy with Applicant to apprise him of the relief available in a PCR. If at the evidentiary hearing Applicant indicates no desire in appropriate relief but a desire to proceed, Respondent will at that time move to dismiss the application.

VIII. ASSERTION OF RIGHTS TO NOTICE OF AMENDMENTS, EXPERTS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments *will be opposed by the State at an evidentiary hearing* pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15 and 16 of the SCRCPC; Mangal v. State, 421 S.C. 85, 805 S.E.2d 568 (2017). All claims should be made *well* in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, *the* attorney, and not Applicant, is the only individual authorized to file amendments to this

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2019 JUN 24 PM 4:34

application. See Rule 11, SCRCF. Pro se filings will not be considered at the PCR hearing.

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCF.

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

IX. GENERAL DENIAL

Respondent denies each allegation not expressly admitted, qualified, or explained.

[Conclusion and signature on the following page]

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2019 JUN 24 PM 4:34

X. CONCLUSION

WHEREFORE, Respondent respectfully requests that this Court grant its motion for a more definite statement as set forth in Section VI, above, grant its partial motion to dismiss as set forth in Section V, above, and thereafter convene an evidentiary hearing on the allegations of ineffective assistance of counsel.

Respectfully submitted,

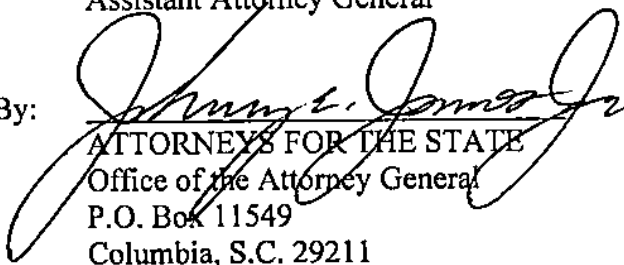
ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
Assistant Attorney General

By:


ATTORNEYS FOR THE STATE
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

11 June 2019

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2019 JUN 24 PM 4:34

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF SPARTANBURG) IN THE COMMON PLEAS COURT
 3
 4 Timothy Harrison,)
 5 Applicant,) TRANSCRIPT OF RECORD
 6 -vs-) 2018-CP-42-03003
 7 The State.) July 16, 2019
 8) Spartanburg, South Carolina
 9

10 B E F O R E:

11 HONORABLE J. DERHAM COLE, JUDGE
12

13
14 A P P E A R A N C E S:

15 RODNEY W. RICHEY, ESQUIRE
16 Attorney for the Applicant

17 JOHNNY E. JAMES, JR., ESQUIRE
18 Attorney for the State
19

20
21 Linda D. Moffitt
22 Circuit Court Reporter
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

WITNESSES

PAGE

TIMOTHY ROBERT HARRISON (AW)	
Direct examination by Mr. Richey	6
Cross-examination by Mr. James	12
CHARLES LEE SNYDER, III (AW)	
Direct examination by Mr. Richey	17
Cross-examination by Mr. James	

No exhibits entered into evidence.

1 (Proceedings July 16, 2019)

2 MR. JAMES: If it may please the Court.

3 THE COURT: Yes, sir.

4 MR. JAMES: Your Honor, this is the matter of Timothy
5 Robert Harrison vs. the State of South Carolina. It's
6 docket No. 2018-CP-42-03003.

7 Mr. Harrison is present here in the courtroom today
8 and is represented by Mr. Rodney Richey, Esquire.

9 Mr. Harrison was indicted at the October 2017 term of
10 the Spartanburg County Grand Jury for habitual traffic
11 offender causing great bodily injury, assault and battery
12 of a high and aggravated nature, malicious injury to
13 personal property and failure to stop his vehicle resulting
14 in great bodily injury.

15 He was represented on that charge by Chad Snyder,
16 Esquire, and was prosecuted by Jennifer Jordan, Esquire, of
17 the Seventh Circuit Solicitor's Office.

18 On May 16, 2018, he pled guilty as indicted before the
19 Honorable J. Mark Hayes. Judge Hayes, consistent with the
20 recommendation of the state, sentenced him to concurrent
21 terms of 20 years for ABHAN, provided that upon the service
22 of ten years the balance would be suspended upon five years
23 of probation and ten years each for the remaining charges.

24 Your Honor, this application was filed August 20,
25 2018, and the state filed its return. At the time the

1 state filed its return, it included a partial motion to
2 dismiss.

3 Your Honor, since that time the state has been
4 provided amendments from Counsel Richey indicating that
5 they are proceeding on three allegations.

6 First, that trial counsel was ineffective for not
7 properly presenting complete mitigation at the guilty plea;
8 second, that trial counsel was ineffective for failing to
9 investigate the charges against him; and, third, that trial
10 counsel was ineffective for not properly communicating with
11 him about his pending case.

12 Having received that amendment, though it is not
13 filed, that would resolve the state's partial motion to
14 dismiss, and it is now moot as we are proceeding only on
15 his allegations.

16 One additional concern that I have, Your Honor, I'm
17 reasonably certain that Mr. Richey has had this
18 conversation with Mr. Harrison, but as a precaution in the
19 original application he indicates that he seeks relief,
20 quote, to get back my life, to reduce my time in a
21 nonviolent sentence.

22 Your Honor, that is not relief that is available in a
23 post-conviction-relief action. And so if it would be
24 amenable to the Court, I would request just a brief
25 colloquy with Mr. Harrison to make sure that he understands

1 that the relief available in a P.C.R. action is you go back
2 to square one.

3 THE COURT: All right. Mr. Richey, have you talked to
4 Mr. Harrison about what kind of relief he will be
5 granted --

6 MR. RICHEY: Yes, sir.

7 THE COURT: -- as a result of this hearing?

8 MR. RICHEY: Yes, sir.

9 THE COURT: And do you believe he understands it?

10 MR. RICHEY: He understands it, Your Honor.

11 THE COURT: And are you satisfied he understands that
12 I can't do anything about his sentence today, all I can do
13 is grant him a new trial?

14 MR. RICHEY: Yes, sir.

15 THE COURT: Okay. You appreciate that fact, Mr.
16 Harrison?

17 THE APPLICANT: Yes, Your Honor.

18 THE COURT: All right. You still want to go
19 forward --

20 THE APPLICANT: Yes, Your Honor.

21 THE COURT: -- understanding you'll start at ground
22 one or --

23 THE APPLICANT: Yes, Your Honor.

24 THE COURT: -- from the very beginning just like you
25 were before. The outcome could be the same; could be

1 different. You could plead guilty; you could go to trial.
2 You could receive the same sentence or a lesser sentence or
3 a greater sentence if you're convicted. Do you understand?

4 THE APPLICANT: Yes, Your Honor.

5 THE COURT: Okay. You still want to go forward?

6 THE APPLICANT: Yes, Your Honor.

7 THE COURT: All right. Mr. Richey.

8 MR. RICHEY: Call Mr. Harrison.

9 TIMOTHY ROBERT HARRISON,
10 having been first duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MR. RICHEY

12 Q Sir, will you state your name, please? Your name,
13 please.

14 A Timothy Robert Harrison.

15 Q And, Mr. Harrison, are you currently in the Department
16 of Corrections?

17 A Yes, sir.

18 Q And what charges are you in the Department of
19 Corrections for?

20 A Assault and battery high and aggravated nature and
21 failure to stop for blue lights with great bodily harm,
22 habitual offender and malicious damage.

23 Q Okay. And the one -- really the one case that's at
24 issue with you is the ABHAN, correct?

25 A Yes.

1 Q And the other three cases, you don't have an issue
2 with those sentences in those cases, right?

3 A No.

4 Q So you want to proceed. This case is only towards the
5 ABHAN, correct?

6 A Yes.

7 Q Okay. You -- you pled guilty. You didn't go to
8 trial, correct?

9 A Yes.

10 Q Okay. Who represented you on those charges?

11 A Charles, Mr. Charles Snyder.

12 Q Okay. And you filed an application that he did not
13 effectively represent you on this ABHAN charge, correct?

14 A Yes.

15 Q Okay. And you believe that at your trial he didn't
16 properly completely present complete mitigation in your
17 guilty plea, correct?

18 A Yes.

19 Q And what was that, the mitigation that you wanted to
20 present?

21 A I'm coming straight from my mind in that now because
22 they did not let me bring any of my paperwork with me.

23 Q Well, let me ask you that. You -- you have some
24 certificates, correct?

25 A Yes.

1 Q And about work you had done down at the detention
2 center, correct?

3 A Yes.

4 Q You gotta answer so she can take it down.

5 A Yes.

6 Q Okay. And you had took some Bible classes, correct?

7 A Yes.

8 Q And -- and you have earned some certificates for what
9 you had completed, correct?

10 A Yes.

11 Q And your lawyer did not present that in your
12 mitigation, correct?

13 A No.

14 Q Okay. You also had done some other programs, some
15 rehab programs, down at the jail too, correct?

16 A There was a few that I did while in jail. A couple I
17 did have present, was in court. But anything that I had
18 prior to, before, being rearrested again, due to what I'm in
19 here now on, was not present.

20 It was brought to my attorney. He put it in his brief
21 case and it was not presented to the judge, although, from
22 when I was in rehab and everything the whole time while I
23 was on the street.

24 Q So while you -- while -- prior to this, you being
25 charged, you had went to rehab, correct?

1 A Yes.

2 Q And -- and getting charged with these offenses, that
3 stopped you from going back to rehab, correct?

4 A Yes.

5 Q And you had all of that information that was given to
6 your lawyer, correct?

7 A Yes. From day one I was in rehab.

8 Q And you believe if he had presented that that could
9 have helped you with the sentence.

10 A Yes.

11 Q And you also believe that the investigation of the
12 case dealing with this -- this assault and battery of a
13 high and aggravated nature, you believe the lawyer didn't
14 effectively investigate the facts of the case, correct?

15 A True.

16 Q And that was based off the trooper's condition, right?

17 A Yes.

18 Q And go ahead and explain that to the Court.

19 A I -- through the motion there is bits and pieces, well,
20 changed here and there, as in, stating, like, a rusted car
21 and a burgundy car, and then an old car. I mean, the car
22 was a burgundy vehicle.

23 And I noticed what I was approaching on being an
24 officer, and I was speeding over the hill, and I was able to
25 slow down coming approaching him. And, as he stated, saying

1 that I took too long to turn, but there was a car coming.
2 And then I used my signals. There was more cautions. And
3 as soon as I got outta sight I did attempt to try to get
4 away, and that's when he got closer and all.

5 But/and then from there that's when the rest of them
6 winded up taking effect with the malicious damages and,
7 well, the assault and batteries affecting as in being
8 ramming the front end of your vehicle and so on.

9 Q Okay. So you don't believe that -- it's your position
10 that if he had investigated he would have found that you
11 did not commit the ABHAN, correct?

12 A Yes.

13 Q Okay. And -- and can you tell me that you have --
14 that you communicate with your lawyer during this case?

15 A The most that we actually talked was replying on the
16 kiosk. We had the three attempts of meeting. One, I was in
17 the G.E.D. class at the time and they didn't get me out or
18 anything. So he said he'd come back.

19 The first time he come we went over everything, and
20 what little bit I was able to let him know I was working in
21 the G.E.D., working on this.

22 And then he said -- well, I was trying to see if they'd
23 drop it down to first, second or something. He said that
24 I'll see what I can do or whatever and saying that they're
25 still not wanting to do nothing.

1 And then the second time he come it kinda -- at first I
2 was thrown off, and then, second, I sat here and I'm
3 thinking before I responded to him, because he was, like,
4 a -- laid out a couple of sheets of paper or whatever. And
5 then he was, like, first off, I need you to go over
6 everything again because I lost all of your paperwork and
7 everything.

8 I'm like what, because that threw me off. And before I
9 responded, then I was, like, and the only reason I started
10 agreeing was, was due to I was so lost that day I was, in
11 effect, from my grandpa a year before and that previous year
12 losing a friend that was six months pregnant and another
13 friend back to back.

14 And I just -- I didn't show no remorse until that day,
15 and I didn't care. I prayed that morning that I -- God,
16 lock me up, do something, because I didn't know. It really
17 wouldn't have hurt me as much as it would have my grandma.

18 Q And do you believe that if your lawyer had done the
19 things, presented your proper mitigation, investigated the
20 case and communicated better with you, that the outcome of
21 your case would have been different?

22 A Yes.

23 Q And your outcome that you're saying is -- you're not
24 saying that you would have went to a jury trial on one of
25 them, or is that what you're saying, or you would have got

1 a better sentence?

2 A I probably would have went on to a jury trial if I was
3 able to know more and allowed to not having people that can
4 help-wise in -- in the mail system. You can't send nothing
5 but a post office out in the jail now. So I'm not able
6 to -- wasn't able to write and try to contact people to try
7 to help me to that stench. And then when I went down, I was
8 able to allow -- the law library and find out more stuff
9 that I didn't know. And if I had've known I would've took
10 it to trial. No second thoughts.

11 Q Okay. Thank you answer any questions the attorney
12 general will have for you.

13 CROSS-EXAMINATION

14 BY MR. JAMES

15 Q Good morning, Mr. Harrison.

16 A Good morning.

17 Q You are asserting today that you do not believe that
18 you were guilty of assault and battery of a high and
19 aggravated nature?

20 A Yes, sir.

21 Q And you're basing that on the fact that the officer
22 wasn't injured when he rammed his car?

23 A Yes, sir.

24 Q Okay. Who is Jessica White?

25 A A friend of mine.

1 Q All right. She was in the car with you during the
2 course of this run from the law, correct?

3 A Yes.

4 Q All right. And she was injured as a result of the
5 collision that put it into the drive, correct?

6 A Yes.

7 Q All right. And she suffered pretty substantial
8 injuries, didn't she?

9 A From my understanding, a right femur or however you say
10 it.

11 Q And that was brought up at your plea proceeding,
12 correct?

13 A Yes.

14 Q All right. And the state mentioned it in the course
15 of its factual presentation, correct, that she was in the
16 vehicle and suffered a closed right fracture of the distal
17 end of her right femur, correct?

18 A Yes.

19 Q All right. And you agreed to those facts at the time
20 of your plea, correct?

21 A Yes.

22 MR. JAMES: Beg a moment of the Court's indulgence.

23 (Pause.)

24 Q Mr. Harrison, I'll apologize for asking this question,
25 because I didn't hear your answer clearly on direct

1 examination. Too much loud music.

2 You indicated that you received a certificate from
3 where?

4 A The first part, couple of them, I have is Emmanuel
5 Bible Correspondence, and I continued doing that while I was
6 in the corrections right now too.

7 Q You also worked with Evans Training Center, correct?

8 A I didn't work with them. I talked with Brother
9 Chaplain Apple in the county. And there's a program being
10 one of the top -- top -- top five or something like that of
11 very standards and strict, and like out of 70 percent of men
12 do not complete that program. And I was -- how do you say
13 the word -- a companion for the program.

14 Q Do you recall that your attorney brought up Evans
15 Training Center with -- during your plea proceeding?

16 A Yes. And Mr. Ben was here and spoke too.

17 Q And he spoke about how you had been doing a lot of
18 reading, correct?

19 A Yes.

20 Q And that it'd primarily been the Bible and other
21 Christian literature, correct?

22 A Yes.

23 Q And he explained how your reading level had gone up, I
24 believe, four grades, correct?

25 A Kind of.

1 Q Okay.

2 A Still struggling a little bit because of a little bit
3 of depression and all as in the time-wise and everything.

4 Q Keep at it.

5 A That's what I'm working on.

6 Q Mr. Disney spoke at your plea about how intense this
7 program with Evans Training Center was, correct?

8 A Yes.

9 Q Much in the same way as you've described it here
10 today, correct?

11 A Yes.

12 Q And you were presented an opportunity to speak at your
13 plea as well, correct?

14 A Yes.

15 Q And you explained that you had enrolled in Bible
16 college, correct?

17 A Yes.

18 Q And that you had five or six different certificates
19 that you were working on, correct?

20 A Yes.

21 Q And that you're pursuing a ministry degree, correct?

22 A Yes.

23 Q So you communicated all of that to the Court.

24 A Sure.

25 Q All right.

1 MR. JAMES: And to clarify for Your Honor's
2 convenience, much of what we just went over is reflected in
3 the trial transcript on pages 26 to 30.

4 Q During your direct examination testimony you indicated
5 that you were lost on that day. To which day are you
6 referring?

7 A Being July 21st of 2017.

8 Q Were you satisfied with your counsel at the time of
9 your plea?

10 A Kind of and kind of not.

11 Q What were you unsatisfied with at the time of your
12 pleas?

13 A Unsatisfied?

14 Q Correct.

15 A That it really didn't go out as hoping, hoping that it
16 would have turned out.

17 Q Do you recall the Court asking if you were satisfied
18 with your attorney?

19 A Yes.

20 Q All right. And it was part of the big group, correct?

21 A Yes.

22 Q And do you recall that the Court said if anybody is
23 not satisfied go ahead and stand up, correct?

24 A True.

25 Q I'm sorry. He indicated that if you were satisfied

Charles Lee Snyder, III
Direct examination by Mr. Richey

1 with the work that your lawyer has done, that you needed to
2 stand up, correct?

3 A Yes.

4 Q Okay. And you stood up, correct?

5 A Yes.

6 Q All right. And you didn't sit down.

7 A No.

8 Q You didn't say I'm not satisfied.

9 A No.

10 MR. JAMES: Beg a moment, the Court's indulgence.

11 (Pause.)

12 Q Thank you very much, Mr. Harrison.

13 MR. JAMES: I have no further questions.

14 MR. RICHEY: No other questions.

15 THE COURT: Step down.

16 MR. RICHEY: Call Mr. Snyder.

17 CHARLES LEE SNYDER, III,

18 having been first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. RICHEY

20 Q Sir, would you state your name, please?

21 A Charles Lee Snyder, III.

22 Q And, Mr. Snyder, do you recall representing Mr.
23 Harrison?

24 A Yes, sir.

25 Q And you represented him on the cases that the attorney

1 general --

2 A That's right.

3 Q -- called out today. And -- and you understand the
4 allegation is in terms of the mitigation -- you understand
5 Mr. Harrison made allegation you didn't present all of his
6 mitigation. Do you understand that?

7 A I heard it.

8 Q Okay. So any mitigation that you did not submit that
9 you could have?

10 A I'm not sure. And as I understand, he said that I
11 didn't present his actual certificates.

12 Q Yes.

13 A As an officer of the Court, I didn't think I had to.
14 The judge usually is satisfied with my word. And if you go
15 through the transcript, most of those were covered, as well
16 as having the jail men from the rehabilitation program in
17 court to speak to the judge.

18 Q Okay. Do you believe that you effectively
19 communicated with Mr. Harrison?

20 A In reviewing the files, it appears that I actually went
21 out to the jail physically four or five times throughout the
22 course of my representation, and along with mail
23 correspondence and correspondence through the -- the
24 computer kiosk system that they have.

25 Q In terms of the ABHAN charge -- Mr. Harrison -- you

1 heard him testify that he believed that he was not guilty
2 of those charges and because the officer was not hurt. Do
3 you agree with that assessment?

4 A I don't agree with that assessment because that's not
5 the standard. The standard is whether injury resulted or
6 could have resulted. And their case could be made that
7 ramming a car into another car could result in great bodily
8 injury. And if we went to trial that would be the issue we
9 had, but there were other circumstances that -- that
10 prevented us from going to trial.

11 Q Do you believe the state could prove their case beyond
12 a reasonable doubt as to that charge?

13 A I -- I do.

14 Q And did you discuss that with him, the elements of
15 what the state had to prove and all of that?

16 A Of course.

17 Q And do you believe he understood them?

18 A I do.

19 Q And you say you went to the jail on four occasions to
20 talk to him. Did --

21 A Four or five, as what I can tell from my notes in the
22 file.

23 Q Had you have known he was out of jail prior to getting
24 this second batch? Were you representing him on --

25 A The charges that he got, that he was serving, that he

1 was on probation for?

2 Q Yeah. The --

3 A No. He was represented by another attorney in our
4 office.

5 MR. RICHEY: One moment, Your Honor.

6 (Pause.)

7 Q No other questions.

8 CROSS-EXAMINATION

9 BY MR. JAMES

10 Q Mr. Snyder, how long have you been practicing law?

11 A About ten years.

12 Q All right. And what part of that criminally?

13 A Most of it.

14 Q All right. During the course of your representation
15 of Mr. Harrison did you file a motion pursuant to Rule 5
16 and Brady?

17 A That's standard for our office.

18 Q And you got the materials back responsive to that?

19 A I did, and I sent them to him.

20 Q All right. Did you ever sit down and kind of go over
21 it with him or otherwise discuss the consequences of those
22 materials?

23 A That's the purpose of me going to visit him.

24 Q Right.

25 MR. JAMES: One moment, Your Honor.

1 (Pause.)

2 MR. JAMES: I have no further questions, Your Honor.

3 THE COURT: Step down.

4 MR. RICHEY: No other questions. That's it, Your
5 Honor.

6 MR. JAMES: Nothing further from the state, Your
7 Honor.

8 THE COURT: All right. I'll review the transcript and
9 issue an order.

10 END OF REQUESTED TRANSCRIPT OF RECORD

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Spartanburg County, South Carolina, on the 16th day of July 2019.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 10, 2023

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG)	
Timothy Robert Harrison,	)	Case No.: 2018-CP-42-03003
S.C.D.C. No. 361541,)	
)	
Applicant,)	
	)	ORDER OF DISMISSAL
v.)	
)	
State of South Carolina,)	
)	
Respondent.)	

CLERK OF COURT
 SPARTANBURG COUNTY
 JUDICIAL CIRCUIT
 AUG 20 2018

This matter comes before the Court by way of an application for post-conviction relief filed by Timothy Robert Harrison (“Applicant”) on August 20, 2018. Respondent made its return on or about June 11, 2019. The Court convened an evidentiary hearing into the matter on July 16, 2019, at the Spartanburg County Courthouse in Columbia, South Carolina. Applicant was present at the hearing and represented by Rodney W. Richey, Esq. Johnny Ellis James Jr., Esq., of the South Carolina Attorney General’s Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant’s plea counsel, Chad Snyder, Esq. (“Counsel”) also testified. The Court had before it Applicant’s records from the South Carolina Department of Corrections, a copy of the original plea transcript, the records of the Spartanburg County Clerk of Court regarding the subject convictions, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the October 2017 term of the Spartanburg County Grand Jury for habitual traffic offender causing great

bodily injury (2017-GS-42-05497); assault and battery of a high and aggravated nature¹ (2017-GS-42-05498); malicious injury to personal property (2017-GS-42-05499); and failure to stop motor vehicle with great bodily injury (2017-GS-42-05500). Chad Snyder, Esq. represented Applicant, and Jennifer A.J. Jordan, Esq., of the Seventh Circuit Solicitor's Office, prosecuted the case. On May 16, 2018, Applicant pled guilty to the above indictments. Accepting the State's recommendation of concurrent sentencing, the Honorable J. Mark Hayes sentenced Applicant to imprisonment for concurrent terms of twenty years for ABHAN, provided that upon service of ten years the balance would be suspended upon five years of probation, and ten years each for the habitual traffic offender, malicious injury to property, and failure to stop counts. Applicant did not appeal his plea or sentence.

Present Application

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons:

1. "A Double Jeopardy Claim"
 - a. "I was charged with same charge twice."
2. Ineffective Assistance of Counsel, in that:
 - a. "All my accomplishments was not presented in court."
3. "They officer had no personal injury, the ABHAN was my car hitting his car."

At the evidentiary hearing, Applicant, by and through PCR counsel, provided the Court a written amendment to his application, which substituted the following allegations:

1. "Trial Counsel was ineffective for not properly presenting complete mitigation at the guilty plea."
2. "Trial Counsel was ineffective for failure to investigat[e] the charges against him."
3. "Trial Counsel was ineffective for not properly communicating with him about his pending case."

¹ While this Court lists all of the convictions which arose from the facts admitted by Applicant during his plea proceeding, and while Applicant indicated his intent to challenge multiple convictions in his application, Applicant asserted at the evidentiary hearing that he was *only* challenging the validity of his ABHAN conviction and sentence.

Applicant requests relief as follows:

- “To get back my life, to reduce my time, & a non-violent sentence.”

At the evidentiary hearing, Applicant proceeded forward on the amended allegations restated above.²

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented.

A. Ineffective Assistance of Counsel

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that “counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668, 686 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland. First, Applicant must prove that counsel's performance was deficient. Strickland, 466 U.S. at 686; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Applicant must so prove his factual allegations by a preponderance of

² Upon review of the records of the Spartanburg County Clerk of Court, it does not appear the amendment was ever accepted as filed with that office, perhaps due to a scrivener's error. This Court accepts the amendment as filed on the date of the hearing, a copy of which is attached to this proposed order.

the evidence. Rule 71.1(e), SCRPC. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). "When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect." Yarborough v. Gentry, 540 U.S. 1, 5 (2003) (citing Strickland, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. Cullen v. Pinholster, 563 U.S. 170, 196 (2011); Harrington v. Richter, 562 U.S. 86, 109-10 (2011). "[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight." Yarborough, 540 U.S. at 6; see also Murphy v. Davis, 901 F.3d 578, 592 (5th Cir. 2018) ("[C]ounsel's performance need not be optimal to be reasonable."). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "This does not require a showing that counsel's actions 'more likely than not altered the outcome,' but the difference between Strickland's prejudice standard and a more-probable-than-not standard is slight and matters 'only in the rarest case.'" Harrington, 562 U.S. at 111-12 (quoting Strickland,

466 U.S. at 697). “The likelihood of a different result must be substantial, not just conceivable.” Id. at 112. “The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury.” United States v. Basham, 789 F.3d 358, 371-72 (4th Cir. 2015) (quoting Elmore v. Ozmint, 661 F.3d 783, 858 (4th Cir. 2011)).

In the context of a guilty plea, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he/she would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. See Blackledge v. Allison, 431 U.S. 63, 73-74 (1977) (“Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible.”). Statements made during a guilty plea should be considered conclusively, unless an Applicant presents valid reasons why he or she should be allowed to depart from the truth of his statements. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Crawford v. United States, 519 F.2d 347, 350 (4th Cir. 1975)).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. Strickland, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. Id. at 696-97.

1. Failure to Present Complete Mitigation

Applicant alleges Counsel was ineffective in failing to properly present complete mitigation during his plea proceeding.

At the plea, Counsel offer both argument in mitigation and the remarks of a witness in Applicant's favor. Counsel emphasized Applicant's change in character in the course of his ten months of pre-trial incarceration, and explained to the court that Applicant read religious materials often, and spoke with the jail chaplain frequently. (Tr. 26, ll. 11-15). Counsel inform the plea court that Applicant was working towards his GED, was taking classes, and had improved his reading ability from that of a second-grade level to a sixth-grade level. (Tr. 26, ll. 15-19). Counsel attributed Applicant's confessed criminal wrongdoing to depression and his addiction to methamphetamines. (Tr. 26, ll. 20-23). Counsel also brought up Applicant's difficult upbringing—a single parent home with a drug-addicted, prostitute mother who was incarcerated at the time of the plea. (Tr. 26-27). Counsel presented a letter from Applicant's grandmother to the plea court. (Tr. 27, ll. 3-6; Tr. 29, ll. 13-20).

Counsel then presented Ben Dismute, the chaplain with whom Applicant worked and the owner of "Evan's Training Center" in Inman, South Carolina. (Tr. 27, ll. 7-17). Dismute explained the center as "an eight-month in residence faith based highly structured level five program." (Tr. 28, ll. 4-7). Dismute further described the ministry as "very intrusive" and "rigorous," and noted that the substantial majority of individuals who initiated participation in the program failed to complete it, but that Applicant was a "good candidate." (Tr. 28, ll. 9-15). Dismute and Counsel told the plea court that the inpatient, non-medical program had no beds available at the time of the plea, but that he wished to be allowed to participate in program later. (Tr. 28-29). Counsel concluded by acknowledging Applicant's deficient impulse control, but

requested the plea court impose a sentence suspended upon service of as little time as was possible in order to facilitate his participation in Dismute's program. (Tr. 29-30).

Applicant then agreed with the statements made by Counsel and was invited to present any additional information he desired to the plea court. (Tr. 30, ll. 9-14). Applicant told the plea court that he had enrolled in a bible college, had completed "five or six different certificates," and was pursuing a ministry degree. (Tr. 30, ll. 16-20).

At the evidentiary hearing, Applicant opined that he felt Counsel's mitigation efforts were incomplete. Applicant testified he had earned a certificate, which he described as a "survival course." Applicant acknowledged he had been speeding, had tried to flee, and had rammed a cop car, but denied that such conduct constituted ABHAN. Applicant asserted that he "probably" would have proceeded to trial on his charges if he had known better. On cross-examination, Applicant acknowledged that he and Counsel had brought up his certificates and work with the chaplain during mitigation at the plea proceeding.

Counsel testified he did not believe he really needed the physical certificates to which Applicant was referring.

The Court finds Applicant has failed to demonstrate any ineffectiveness on the part of Counsel. First, Applicant presented no information in mitigation during the evidentiary hearing which was not already adequately presented during mitigation at the plea proceeding. Second, to the extent Applicant insists the physical certificates should have been presented to the plea court, no such certificates were presented to this Court either, such that it is left with mere speculation. Third, Applicant's testimony that he "probably" would have proceeded to trial had he "known better" is both inadequate to meet Applicant's burden under Hill, and not credible to this Court. Fourth, it appears to this Court that the evidence presented in mitigation was already considered

by the plea court in the sentence it imposed, which despite the contemptable and life-threatening conduct admitted by Applicant, granted him the mercies of concurrent sentencing as recommended by the State, and a total term of incarceration well beneath the statutory maximum limit of twenty years for ABHAN. For all of these reasons, this Court finds Applicant has failed to show any deficiency on the part of Counsel, or that but for the deficiency alleged Applicant would not have pled guilty but would have proceeded to trial, and accordingly his request for relief by way of this allegation is **DENIED**.

2. Failure to Investigate "Assault and Battery of a High and Aggravated Nature"

Applicant alleges Counsel was ineffective in failing to investigate the charges against him. "[S]trategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation." Strickland, 466 U.S. at 690-91. "In other words, counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary." Id. at 691. "In any ineffectiveness case, a particular decision not to investigate must be directly assessed for reasonableness in all the circumstances, applying a heavy measure of deference to counsel's judgments." Id.

"The reasonableness of counsel's actions may be determined or substantially influenced by the defendant's own statements or actions." Id. "Counsel's actions are usually based, quite properly, on informed strategic choices made by the defendant and on information supplied by the defendant." Id. "In particular, what investigation decisions are reasonable depends critically on such information." Id.

In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. (citing Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

South Carolina law provides that “[a] person commits the offense of assault and battery of a high and aggravated nature if the person unlawfully injures another person, and: (a) great bodily injury to another person results; or (b) the act is accomplished by means likely to produce death or great bodily injury.” S.C. Code Ann. § 16-3-600(B)(1). “‘Great bodily injury’ means bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of a bodily member or organ.” S.C. Code Ann. §16-3-600(A)(1). Though now codified, under the common law, ABHAN “‘requires an unlawful act of violent injury accompanied by circumstances of aggravation,’ which may include ‘the use of a deadly weapon, the infliction of serious bodily injury, [or] the intent to commit a felony.’” State v. Dennis, 402 S.C. 627, 638, 742 S.E.2d 21, 27 (Ct. App. 2013) (quoting State v. Coleman, 342 S.C. 172, 176, 536 S.E.2d 387, 389 (Ct. App. 2000)).

The facts of the case as confirmed by Applicant at the plea proceeding may be briefly summarized. Applicant fled from police when they attempted to conduct a traffic stop. During the high speed chase, Applicant abruptly stopped his car, threw it into reverse, and rammed the pursuing trooper's vehicle in an attempt to disable it. Applicant then sped away. The pursuing trooper caught up, executed a pit maneuver to stop Applicant's car, and Applicant's flight was promptly ended. A woman in the car with Applicant, Jessica Wyatt, suffered a broken femur and bruises.

At the evidentiary hearing, Applicant merely asserted that his ramming of the police vehicle with his own vehicle did not constitute assault and battery of a high and aggravated nature.

To the contrary, ramming a car with one's own car is an attack of means likely to produce death or great bodily injury, such that it may absolutely constitute ABHAN. It also appears that injuries resulted and great bodily injury was suffered by another person, though surely not the intended target of Applicant's ramming. Applicant presents no evidence to show that the injuries relied upon to satisfy the requirements of the statute did not arise from the ramming of the police cruiser, or were not the natural and probable consequence of that assault. Having failed to show what, if anything, Counsel could have discovered had he more thoroughly investigated the case, Applicant has failed to meet his burden of proof. Accordingly, Applicant's request for relief by way of this allegation is **DENIED**.

3. Failure to Communicate

Applicant alleges Counsel was ineffective in failing to adequately communicate with him regarding his case during its pendency. "The brevity of time spent in consultation with a defendant alone is not indicative of inadequate trial preparation." Smith v. State, 404 S.C. 493,

500, 745 S.E.2d 378, 382 (Ct. App. 2012) (citing Harris v. State, 377 S.C. 66, 75, 659 S.E.2d 140, 145 (2008)). An applicant must present evidence to show how additional time spent in consultation would have resulted in a different outcome; mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 404 S.C. at 500-01, 745 S.E.2d at 382 (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998); Skeen v. State, 325 S.C. 210, 214-15, 481 S.E.2d 129, 132 (1997)).

During the group qualification portion of the plea proceeding, the plea court invited the defendants present to stand up if they were satisfied with the work performed by their respective attorneys—all defendants stood. (Tr. 11, ll. 10-15).

At the evidentiary hearing, Applicant briefly reviewed his discussions with Counsel during their first and second meetings, but admitted that he was “lost” during his second meeting with Counsel due to the passing of his grandfather and a close friend. Applicant acknowledged standing up when prompted by the plea court to affirm his satisfaction with Counsel, but asserted he was “kinda unsatisfied” with Counsel at the time of his plea. Counsel testified he met with Applicant four to five times, in addition to their correspondence. Counsel confirmed he and Applicant discussed the elements of the charges against him and that Applicant understood. Counsel testified he received materials responsive to motions pursuant to Rule 5, SCCrimP, and Brady v. Maryland, 373 U.S. 83 (1963), and that he reviewed those materials with Applicant.

The Court finds Applicant has failed to meet his burden of showing ineffectiveness. First, to whatever extent Applicant was not entirely satisfied with the amount of time spent in consultation with Counsel, he was presented an opportunity to express his dissatisfaction to the plea court, knowingly opted not to do so, and instead chose to proceed with his guilty plea. Second, Applicant presents no evidence to show what, if anything, he could have or would have

310
610

learned had Counsel spent more time communicating with him. The Court finds Counsel met with Applicant on an adequate number of occasions, reviewed with him the elements of the offenses charged, and reviewed with him the evidence in the State's possession. The Court finds Applicant knowingly, intelligently, and voluntarily pled guilty. For all of these reasons, Applicant has failed to meet his burden of proof as to either prong of Hill, and his request for relief by way of this allegation is **DENIED**.

[Conclusion and signature on following page]

III. CONCLUSION

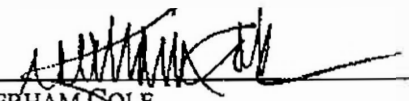
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 14 day of November, 2023


 J. DERHAM COLE
 Presiding Judge
 Seventh Judicial Circuit

_____ South Carolina



WITNESSES

South Carolina Highway Patrol

1. [Signature]	<input checked="" type="checkbox"/>
2. [Signature]	<input checked="" type="checkbox"/>
3. C	<input checked="" type="checkbox"/>
4.	<input checked="" type="checkbox"/>
E	<input checked="" type="checkbox"/>
F	<input checked="" type="checkbox"/>
G	<input checked="" type="checkbox"/>
H	<input checked="" type="checkbox"/>
I	<input checked="" type="checkbox"/>
J	<input checked="" type="checkbox"/>

ARREST WARRANT NUMBER
6102P0458201

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury [Signature] OCT 27 2017
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

17-GS-42-5497

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 30 2017

TERM

THE STATE
v.

Timothy Robert Harrison

Indictment for
HABITUAL TRAFFIC OFFENDER
CAUSING GREAT BODILY INJURY

SC Code: 56-1-1105
CDR Code: 3455
Class FEL/E

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2017 NOV -2 AM 11:45

M. HOPE BLACKLEY

HR

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF SPARTANBURG)

OCT 27 2017

At a Court of General Sessions, convened on _____, the Grand Jurors of Spartanburg County present upon their oath:

HABITUAL TRAFFIC OFFENDER CAUSING GREAT BODILY INJURY

That Timothy Robert Harrison did in Spartanburg County on or about July 21, 2017, drive a motor vehicle after previously being noticed as a habitual traffic offender and while his license to drive was cancelled, suspended, or revoked, and violated an act forbidden by law or neglected a duty imposed by law in the driving of the vehicle, to-wit:

- (1) Failure to maintain proper control of vehicle, and/or
- (2) Failure to follow right of way restrictions (Art 17, Section 56) and/or
- (3) Driver's failure to exercise due care and/or
- (4) Failure to maintain a proper lookout for other traffic and/or pedestrians and/or
- (5) Reckless driving and/or
- (6) Failure to Stop when signaled by a law enforcement vehicle (Section 56-5-750) and/or
- (7) Driving too fast for conditions (Section 56-5-1520 (a)) and/or
- (8) Failure to yield the right of way to an approaching vehicle (Section 56-5-2350) and/or
- (9) Driving while his driver's license is suspended (Title 56, Article 1) and/or
- (10) Speeding (Section 56-5-1520)

which proximately caused great bodily injury to Jessica Wyatt, in violation of §56-1-1105 of THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA
 COUNTY OF SPARTANBURG
 VS.
 Timothy Robert Harrison
 AKA:
 Race: Sex: M Age: 24
 DOB: [REDACTED]
 City/State/Zip: Charleston SC 29322
 DL# SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT CASE#: 2017GS4265497
 A/W#: 610290458201
 Date of Offense: 7/22/2017
 S.C. Code §: 36-01-1103(B)
 CDR Code #: 3455

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazard Yes No
 In disposition of the said indictment comes now the Defendant who was
 IC: Habitual traffic offender - Causing Great Bodily Injury 0-10 years &/or up to \$10,000 CONVICTED OF or PLEADS

in violation of § 36-01-1103(B) of the S.C. Code of Laws, bearing CDR Code # 3455
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45
 w/minor 1st or 1ewd Act)

The charge is As charged. Lesser Included Offense. Defendant Waives Preverence to Grand Jury. (defendant's initials)
 The plea is Without Negotiations or Recommendation. Negotiated Sentence. Recommendation by the State.
 ALL: Jordan, Jennifer A. 614 25 Timothy Harrison Chad Snyder JTG
 JORDAN, JENNIFER A. SC Bar Defendant Attorney for Defendant SC Bar

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 10 day/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____ plus costs and assessments as applicable; the balance is suspended with probation for _____
 of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services' standard conditions of
 probation, which are incorporated by reference.
 CONCURRENT or CONSECUTIVE in sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. 248 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
 Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Referral Def. Waives Hearing Ordered PTFP _____
 Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment
 Payment Terms: Obtain GED
 Set by SCDPP: Attend Voc. Rehab. or Job Corp. _____
 Recipient: May serve W/E beginning _____
 Substance Abuse Counseling

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DL) Surcharge	\$100	\$
§ 56-5-2995 (DL) Assessment	\$12	\$
§ 56-1-256 (DL) Breath Test	\$25	\$
Proviso 61.6 (Publ. Def. Probation)	\$500	\$
§ 14-1-212 (Law Practice Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-11(DL) Breath Test Fee	\$50	\$
§ 56-5-3942(a) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.25
TOTAL		\$ 628.25

Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 payments of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

Clerk of Court Dept. [Signature]
 Court Reporter: [Signature]
 SCCA217 (07/2016)

Appointed PD or appointed other counsel,
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.
 Presiding Judge: [Signature]
 Judge Code: 2130
 Sentence Date: 5/11/18

DOCKET NO.

17-GS-42-5498

The State of South Carolina
County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 30 2017

TERM

THE STATE
vs.

Timothy Robert Harrison

indictment for
ASSAULT AND BATTERY OF A
HIGH AND AGGRAVATED NATURE

SC Code: 16-3-600(B)(1)
CDR Code: 3411
Class FEL/C

WITNESSES

SCHRIENCKE

2. ~~Computer~~
3. ~~Computer~~

4. ~~Computer~~

5. ~~Computer~~

6. ~~Computer~~

7. ~~Computer~~

8. ~~Computer~~

WARRANT NUMBER

2017A42102037

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date:

OCT 27 2017

VERDICT

Foreperson of Petit Jury
Date:

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 NOV -2 AM 11:45
M. HOPE BLACKLEY

AB

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

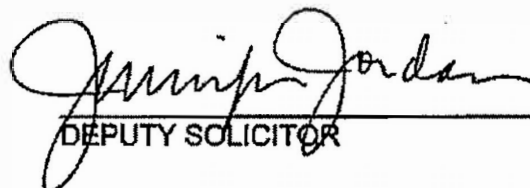
OCT 27 2017

At a Court of General Sessions, convened on _____ the
 Grand Jurors of Spartanburg County present upon their oath:

ASSAULT AND BATTERY OF HIGH AND AGGRAVATED NATURE

That Timothy Robert Harrison did in Spartanburg County on or about July 21, 2017,
~~unlawfully injure L/Cpl. Dolman, and either great bodily injury L/Cpl. Dolman resulted, or~~
 the act was accomplished by means likely to produce death or great bodily injury, in that
 Timothy Robert Harrison intentionally backed into the patrol car with his vehicle during a
 chase, in violation of §16-3-600(B)(1), of the Code of Laws of South Carolina, 1976, as
 amended.

Against the peace and dignity of the State, and contrary to the statute in such case
 made and provided.


 DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

INDICTMENT/CASE#: 2017GS4205498

Timothy Robert Harrison

A/W#: 2017A4210202377

AKA:

Date of Offense: 7/21/2017

Race: Sex: M Age: 24

S.C. Code §: 16-03-0600(B)(1)

DOB: SS#: [REDACTED]

CDR Code #: 3411

Address: 515 Long Branch

City, State, Zip: Chesnee SC 29323

DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was
TO: Assault & Battery of a High & Aggravated Nature 0-20 years

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Levvd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

JORDAN, JENNIFER A SC Bar# 69423
Timothy Harrison Defendant
Chad Snyder Attorney for Defendant SC Bar# 29961

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 10 days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 298 Dep
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____

PTUP _____
_____ days/hours Public Service Employment

Payment Terms: _____
 Set by SCDPPPS _____

Obtain GED
Attend Voc. Rehab. or Job Corp. _____

Recipient: _____

May serve W/E beginning _____
Substance Abuse Counseling Walt Heath

*Fine:	\$	\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$300	\$ 500.00
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 18.75

Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

TOTAL \$ 613.75

\$ _____ paid to Public Defender Fund

Clerk of Court/ Deputy Clerk _____

Other: Mental Health Eval/Completion

Court Reporter: Quinn

Presiding Judge _____

Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to clerk
during probation and shall be collected before
any other fees.

Judge Code: 0132

Sentence Date: 9/16/18

WITNESSES

South Carolina Highway Patrol

1.	<input checked="" type="checkbox"/>
2.	<input checked="" type="checkbox"/>
3.	<input checked="" type="checkbox"/>
4.	<input checked="" type="checkbox"/>
5.	<input checked="" type="checkbox"/>
6.	<input checked="" type="checkbox"/>
7.	<input checked="" type="checkbox"/>
8.	<input checked="" type="checkbox"/>
9.	<input checked="" type="checkbox"/>
10.	<input checked="" type="checkbox"/>
11.	<input checked="" type="checkbox"/>
12.	<input checked="" type="checkbox"/>
13.	<input checked="" type="checkbox"/>
14.	<input checked="" type="checkbox"/>
15.	<input checked="" type="checkbox"/>
16.	<input checked="" type="checkbox"/>
17.	<input checked="" type="checkbox"/>
18.	<input checked="" type="checkbox"/>
19.	<input checked="" type="checkbox"/>
20.	<input checked="" type="checkbox"/>
21.	<input checked="" type="checkbox"/>
22.	<input checked="" type="checkbox"/>
23.	<input checked="" type="checkbox"/>
24.	<input checked="" type="checkbox"/>
25.	<input checked="" type="checkbox"/>
26.	<input checked="" type="checkbox"/>
27.	<input checked="" type="checkbox"/>
28.	<input checked="" type="checkbox"/>
29.	<input checked="" type="checkbox"/>
30.	<input checked="" type="checkbox"/>

ARREST WARRANT NUMBER

2017A4210202378

ACTION OF GRAND JURY

OE

True Bill

Foreperson of Grand Jury

Date: OCT 27 2017

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. -

17-GS-42- 5499

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

OCT 30 2017

THE STATE
vs.

Timothy Robert Harrison

Indictment for

MALICIOUS INJURY TO
PERSONAL PROPERTY

SC Code: 16-11-610 (A) & 16-1-57

CDR Code: 3595

Class: FEL/E

FILED
CLERK OF COURT
COUNTY OF SPARTANBURG

2017 NOV -2 AM 11:45

M. HOPE BLACKLEY

Handwritten initials

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

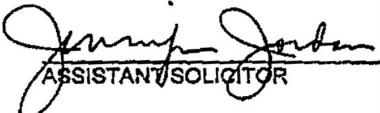
INDICTMENT

At a Court of General Sessions, convened on OCT 27 2017 the
Grand Jurors of Spartanburg County present upon their oath:

MALICIOUS INJURY TO PERSONAL PROPERTY

That Timothy Robert Harrison, did in Spartanburg County on or about July 21, 2017, willfully, unlawfully, and maliciously injure, damage, or destroy the personal property of the South Carolina Highway Patrol, valued at more than \$2,000 but less than \$10,000, to wit: by ramming the vehicle driven by Trooper Zachary Doman causing damage to the vehicle in violation of §16-11-510 and §16-1-57, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

IN THE COURT OF GENERAL SESSIONS
 COUNTY OF SPARTANBURG
 VS.
 Timothy Robert Harrison
 AKA:
 Race: Sex: M Age: 24
 DOB: SS#: [REDACTED]
 Address: 516 Yang Armch Rd
 City/State/Zip: Chessee, SC 29322
 DL#: SID#:

INDICTMENT/CASE#: 2017GN-263159
 A/Wa: 2017A-421020237#
 Date of Offense: 7/21/2017
 S.C. Code §: 16-11-810(A)
 CDR Code #: 3417

SENTENCE SHEET

Disposition of the said indictment comes now the Defendant who was
 CONVICTED OF or PLEADS
 to: Malicious Injury to personal property, value more than \$2,000 but less than \$10,000 3rd or sub 0-10 years

in violation of § 16-11-810(A) of the S.C. Code of Laws, bearing CDR Code # 3595
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45 w/minor 1st or 2nd Act)

The charge is: As charged, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

By: Jordan Jennifer A SC Bar# 64423 Timothy Harrison Defendant Quintin S. Jones Attorney for Defendant SC Bar# 7961

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a term of not less than 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ day/s/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. 208 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
 Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTRICTIONS: Ordered Do Not Wear Housing Ordered FTLP _____
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SC DPPPS _____

Recipient:	
Fine:	\$
§ 14-1-206 (Assessments 107.5%)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-212(A)(2) (D.L. Surcharge)	\$100
§ 54-5-2915 (DL Assessment)	\$12
§ 55-1-236 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforcement Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 30-21-114(B)(1) (Breath Test Fee)	\$50
§ 56-5-2742(i) (Vehicle Assessment)	\$40/ea
3% on County (if paid in installments)	\$ 3.75
TOTAL	\$ 628.75

days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

Clerk of Court (by) [Signature]
 Court Reporter: Dalshope
 SCCA/217 (07/2015)
 Presiding Judge: [Signature]
 Judge Code: 2130
 Sentence Date: 5/11/18

WITNESSES

	<input type="checkbox"/>
	<input type="checkbox"/>
SCHP. [unclear]	<input checked="" type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

ARREST WARRANT NUMBER

6102P0273500

ACTION OF GRAND JURY

OE *11:34*
Foreperson of Grand Jury
Date: *OCT 27 2017*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. -
17-GS-42-5500
The State of South Carolina
County of Spartanburg
Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS
OCT 30 2017
TERM

THE STATE vs.

Timothy Robert Harrison

Indictment for
**FAILURE TO STOP MOTOR VEHICLE
WITH GREAT BODILY INJURY**

SC Code: 56-5-750 (C)(1)
CDR Code: 2397
Class FEL/E

FILED
COURT
2017 NOV -2 AM 11:45
M. HOPE BLACKLEY

HE

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on OCT 27 2017 the

Grand Jurors of Spartanburg County present upon their oath:

FAILURE TO STOP MOTOR VEHICLE WITH GREAT BODILY INJURY

That Timothy Robert Harrison, did in Spartanburg County on or about July 21, 2017, willfully fail to stop the motor vehicle which he was driving on a road, street, or highway of the State of South Carolina when he was signaled by a law enforcement vehicle by means of a siren or flashing light, and while driving he did perform an act forbidden by law or neglect a duty imposed by law in the driving of the vehicle, to wit:

- (1) Failure to maintain proper control of vehicle, and/or
- (2) Failure to follow right of way restrictions (Art 17, Section 56) and/or
- (3) Driver's failure to exercise due care and/or
- (4) Failure to maintain a proper lookout for other traffic and/or pedestrians and/or
- (5) Reckless driving and/or
- (7) Driving too fast for conditions (Section 56-5-1520 (a)) and/or
- (8) Failure to yield the right of way to an approaching vehicle (Section 56-5-2350) and/or
- (9) Driving while his driver's license is suspended (Title 56, Article 1) and/or
- (10) Speeding (Section 56-5-1520)

And great bodily injury resulted to Jessica Wyatt in violation of § 56-7-750 of THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 Assistant Solicitor

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.
Timothy Robert Harrison
AKA:
Race: Sex: M Age: 24
DOB: SS#:
Address: 515 Young Branch Rd
City, State, Zip: CHANCOE SC 29922
DL#: SID#:

INDICTMENT/CASIA#: 2317GS+205505
A/W#: 6102P0273500
Date of Offense: 7/22/20-17
S.C. Code §: 56-03-0750(CX1)
CDR Code #: 2397

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TU: Failure to stop for a blue light, great bodily harm results up to 10 years

CONVICED OF or PLEADS

In violation of § 56-03-0750(CX1) of the S.C. Code of Laws, bearing CDR Code # 2397
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC) §17-25-45
w/minor 1st or Lowd Act)

The charge is An Indict. Lesser Included Offense Defendant Waives Presentment to Grand Jury
The plea is Without Negotiations or Recommendation Negotiated Sentence Recommendation by the State

ATTORNEYS: JORDAN, JENNIFER A SC Bar# 69423 Defendant
Timothy Harrison Chad Snyder Attorney for Defendant SC Bar# 7994

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/year or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTRICTION: Delivered Def. Waives Hearing Ordered PTCP
Total \$ plus 20% fee: \$
Payment Terms:
Set by SCDPHPS

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-3-2945 (DUI Assessment) \$12, § 56-1-256 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-14 (BUI Breath Test Fee) \$50, § 56-3-3942(1) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$3.75. TOTAL \$128.75

Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.
Presiding Judge
Judge Code: 2132
Sentence Date: 5/16/18

Clerk of Court Dep. Clerk:
Court Reporter:
SCCA217 (07/2016)